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American Federation of State, County and Municipal Employees AFL-CIO

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January 11, 1999

Donald Averett
Reports Analysis Division
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Year End (12/1/97-12/31/97), April Monthly (3/1/98-3/31/98) and July Monthly (6/1/98-6/30/98) Reports

Dear Mr. Averett:

William Lucy, the Treasurer of the American Federation of State, County and Municipal Employees' (hereinafter "AFSCME") political committee, Public Employees Organized to Promote Legislative Equality (hereinafter "PEOPLE") has asked that I respond to your letter of December 2, 1998 and Mr. John Gibson's letter of December 24, 1998. In your letter of December 2, 1998, you identify four contributions which AFSCME PEOPLE made to congressional candidates. In each case, you note that when these contributions are added to other contributions AFSCME PEOPLE made to these same candidates in the same elections, AFSCME PEOPLE's contributions exceeded the lawful limits. Your initial inquiry on December 2, 1998 led Karen Tyler, AFSCME Staff Accountant, to respond on behalf of AFSCME PEOPLE that the reports did not "correctly reflect the contribution designations." In her letter, dated December 16, 1998, Ms. Tyler "redesignate[d]" each of the four contributions to other races, noting that they had been "incorrectly coded" on the original report. In Mr. Gibson's letter of December 28, 1998, he correctly noted that the prerequisites required by the Commission's regulations for the redesignation of contributions were not present in any of the four cases.

All of that said, we find ourselves in an area of the Commission's rules and regulations which is very far from where we should be given the facts of these contributions. Each of these four contributions was made by a check and forwarded to the campaign with a transmittal letter. In each case, both the check and the transmittal letter designated an election for which the contribution was to be used. In each of these four cases, the individual at AFSCME who was responsible for filing out the periodic report to the FEC made an error in transcribing the designation which was on the check and transmittal letter onto the FEC report. In each case, this meant that the form filed with the FEC incorrectly identified to which election the contribution had originally been designated.